

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

Claims 1-27 (Canceled).

28. (Currently Amended) A method for transmitting uplink data packets via an uplink data channel to a base station in a mobile wireless communication system comprising a mobile station and the base station using a hybrid automatic repeat request (HARQ) retransmission protocol applying soft combining of data packets and applying synchronous retransmissions, the method comprising the following steps performed by the mobile ~~terminal~~ station:

transmitting a data packet to the base station via the uplink data channel,

receiving a feedback message from the base station, wherein the feedback message indicates ~~whether~~ that the data packet has not been successfully decoded by the base station, and

~~in case the feedback message indicates that the data packet has not been decoded successfully,~~ determining whether the transmission power required for synchronously transmitting a retransmission data packet ~~after~~ for the unsuccessfully decoded data packet at a predetermined point in time span upon after having received the feedback message and ~~optionally~~ for

transmitting other uplink data within the same transmission time interval ~~[[using]]~~ is lower than a maximum allowed transmission power ~~allowed to be used by~~ that the mobile terminal, ~~if a~~ transmission power required for transmitting station is allowed to utilize for transmitting uplink data, wherein the other uplink data is prioritized over the retransmission data packet; and the other data is larger than the maximum allowed transmission power, wherein the other data has a higher logical channel priority than the data of the retransmission data packet

synchronously transmitting the retransmission data packet at the predetermined point in time and transmitting the other data using the maximum allowed transmission power, if the required transmission power is larger than the maximum allowed transmission power.

29. (Currently Amended) The method according to claim 28, wherein the retransmission data packet is transmitted at a transmission power ~~[[level]]~~ lower than required for its transport format.

30. (Currently Amended) The method according to claims claim 28, further comprising the step of decreasing the gain factor of ~~[[the]]~~ a physical channel to be used for transmitting

the retransmission data packet, at the predetermined point in   
 [[case]] time after having received the feedback message, if the   
 transmission power required for transmitting the retransmission   
 data packet at the predetermined point in time and the other data   
 within the same transmission time interval exceeds the maximum   
 transmission power the user equipment is allowed to [[use]]   
 utilize for uplink data transmission.

31. (Currently Amended) The method according to claim 30,   
 wherein in the step of transmitting the retransmission data   
 packet at the predetermined point in time after having received   
 the feedback message, the retransmission data packet is   
 transmitted via [[a]] the physical channel using the decreased   
 gain factor.

32. (Currently Amended) The method according to claim 31,   
 wherein the decreased gain factor reduces the transmission power   
 required for transmitting the retransmission data packet to a   
 value such that the total transmission power required for the   
 transmission of the retransmission data packet and the   
 transmission power required for transmitting the other uplink   
 data is equal to the maximum allowed transmission power the

mobile station is allowed to utilize for uplink data transmission.

33. (Previously Presented) The method according to claim 30, wherein the decreased gain factor is determined by the physical layer.

34. (Currently Amended) The method according to claim 28, further comprising ~~the steps of:~~

performing a transport format combination selection for the transmission of uplink data by the MAC-d entity of the mobile ~~terminal station~~ and

subsequently performing a transport format combination selection for the transmission of uplink data packets on [[said]] the uplink data channel by the MAC-e entity of the mobile ~~terminal station~~.

35. (Currently Amended) The method according to claim 34, wherein the transport format combination selection by the MAC-e entity considers [[the]] a remaining transmission power the mobile ~~terminal station~~ is allowed to use in a transmission time interval, wherein the remaining transmission power is the transmission power remaining after performing the transport format combination selection by the MAC-d entity.

36. (Currently Amended) The method according to claim 34, wherein the transport format combination selection in the MAC-e entity is done in accordance with the logical channel priorities indicated by radio resource control (RRC) signaling.

37. (Previously Presented) The method according to claim 28, wherein the retransmission data packet is transmitted at the beginning of a transmission time interval.

38-39. (Canceled).

40. (Currently Amended) The method according to claim 28, wherein data transmission is carried out on an enhanced uplink dedicated transport channel (E-DCH).

41. (Currently Amended) A mobile station for transmitting uplink data packets via an uplink data channel to a base station in a mobile wireless communication system comprising the mobile station and the base station using a hybrid automatic repeat request (HARQ) retransmission protocol applying soft combining of data packets and applying synchronous retransmissions, the mobile station comprising:

a transmitter operable to transmit a data packet to the base station via the uplink data channel, and

a receiver operable to receive a feedback message from the base station, wherein the feedback message indicates whether that the data packet has not been successfully decoded by the base station,

~~wherein, in case the feedback message indicates that the data packet has not been decoded successfully at the base station, the transmitter is operable to transmit a retransmission data packet after a predetermined time span upon having received the feedback message and optionally other data within the same transmission time interval using a maximum transmission power the mobile station is allowed to use, if a transmission power required for transmitting the retransmission data packet and the other data is larger than a maximum allowed transmission power, wherein the other data has a higher logical channel priority than the data of the retransmission data packet~~

wherein the mobile station is operable to determine whether the transmission power required for synchronously transmitting the retransmission data packet for the unsuccessfully decoded data packet at the predetermined point in time after having received the feedback message and for transmitting other uplink data within the same transmission time interval is lower than a

maximum allowed transmission power that the mobile station is allowed to utilize for transmitting uplink data, wherein the other uplink data is prioritized over the retransmission data packet, and

wherein the transmitter is operable to synchronously transmit the retransmission data packet at the predetermined point in time after having received the feedback message and to transmit the other uplink data to the base station using the maximum allowed transmission power, if the required transmission power is larger than the maximum allowed transmission power.

42. (Currently Amended) The mobile station according to claim 41, wherein the transmitter is operable to transmit the retransmission data packet at a transmission power [[level]] lower than required for its transport format.

43. (Currently Amended) The mobile station according to claim 41, ~~further comprising an adjuster for decreasing wherein~~ the mobile station is operable to decrease the gain factor of a physical channel to be used for synchronously transmitting the retransmission data packet, at the predetermined point in [[case]] time after having received the feedback message, if the transmission power required for transmitting the retransmission

data packet at the predetermined point in time after having received the feedback message and the other uplink data within the same transmission time interval exceeds the maximum allowed transmission power the mobile station is allowed to [[use]] utilize for uplink data transmission.

44. (Currently Amended) The mobile station according to claim 43, wherein the transmitter is operable to transmit the retransmission data packet at the predetermined point in time after having received the feedback message via [[a]] the physical channel using the decreased gain factor.

45. (Currently Amended) The mobile station according to claim 44, wherein the decreased gain factor reduces the transmission power required for transmitting the retransmission data packet to a value such that the total transmission power required for transmitting the retransmission data packet and for transmitting the other uplink data is equal to the maximum allowed transmission power the mobile station is allowed to utilize for uplink data transmission.

46. (Previously Presented) The mobile station according to claim 41, wherein the decreased gain factor is determined by the physical layer of the mobile station.



47. (Currently Amended) The mobile station according to claim 41, further comprising:

a MAC-d entity ~~for performing~~ operable to perform a transport format combination selection for the transmission of uplink data, and

a MAC-e entity ~~[[for]]~~ operable to subsequently ~~performing~~ perform a transport format combination selection for the transmission of uplink data packets on ~~[[said]]~~ the uplink data channel.

48. (Currently Amended) The mobile station according to claim 47, wherein the MAC-e entity is operable to consider, when performing the transport format combination selection ~~is adapted to consider~~, the remaining transmission power the transmitting entity mobile station is allowed to use in a transmission time interval, wherein the remaining transmission power is the transmission power remaining after performing the transport format combination selection by the MAC-d entity.

49. (Currently Amended) The mobile station according to claim 47, wherein the MAC-e entity is adapted to perform the transport format combination selection in accordance with the

logical channel priorities indicated by radio resource control (RRC) signaling.

50. (Previously Presented) The mobile station according to claim 41, wherein the transmission means is adapted to perform one of different hybrid automatic repeat request methods in response to the scheduling mode employed for data transmission.

51. (Withdrawn) A radio network controller configuring at least one parameter of a HARQ retransmission protocol, the HARQ retransmission protocol being used for data transmissions by a mobile station in a mobile wireless communication system comprising the mobile station and the radio network controller, the radio network controller comprising:

a transmitter for transmitting a retransmission mode indicator in a control message to the mobile station, wherein the retransmission mode indicator indicates whether to perform a hybrid automatic repeat request method according to claim 28 or whether to perform a hybrid automatic repeat request method different therefrom.

52. (Withdrawn) A wireless communication system comprising a mobile station according to claim 41, wherein the communication

system is operable to perform a HARQ protocol for transmitting data packets from the mobile station to a base station via an uplink communication channel.

53. (Withdrawn) The wireless communication network further comprising a radio network controller according to claim 51.